

RESOLUTION No. 2005-61-238-Z-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF D.R. HORTON, INC. FOR CERTAIN NON-USE SETBACK VARIANCES FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHWEST 207TH STREET AND NORTHWEST 7TH AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, D.R. Horton, Inc. ("Applicant") has filed an application with the City of Miami Gardens for the approval of certain non-use setback variances for forty nine (49) lots located within a five hundred forty-three (543) lot subdivision, and

WHEREAS, the requested setbacks are more particularly described on Exhibit "A" attached hereto, and

WHEREAS, City Staff has reviewed the Applicant's request and is recommending that the City Council approve the Applicant's request, with certain conditions, and

WHEREAS, a public hearing on this matter has been held on April 6, 2005, and

WHEREAS, the City Council has reviewed the application and approved the same, subject to certain conditions enumerated herein,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2.       APPROVAL: The City Council for the City of Miami Gardens hereby approves the application submitted by D.R. Horton, Inc. for the Coconut Cay development for non-use setback variances for forty nine (49) lots, more particularly described on Exhibit "A", attached hereto.

Section 3.       CONDITIONS: The Applicant's request is approved and subject to the following additional conditions:

- a.     That the Developer repave (overlay) NW 207<sup>th</sup> Street from US 441/SR-7 to the project's main entrance at NW 12<sup>th</sup> Avenue. Curb and gutter shall be added between the guardhouse and NW 7<sup>th</sup> Avenue. The City shall share 50% of the reasonable costs of said repairs and repaving.
- b.     That the Developer construct a landscaped sidewalk on the south side of NW 207<sup>th</sup> Street between NW 4<sup>th</sup> and NW 7<sup>th</sup> Avenues. The City shall share 50% of the reasonable costs of said sidewalk.
- c.     That the Developer upgrade lighting on NW 207<sup>th</sup> Street between NW 4<sup>th</sup> and NW 7<sup>th</sup> Avenues. Said lighting is located within the Andover Street Lighting Special Taxing District (STD). All applicable rules and regulations affecting Special Taxing Districts shall be adhered to in fulfilling this condition.
- d.     That the Developer shall repair as necessary and repave (overlay) NW 204<sup>th</sup> Street from US Highway 441 to NW 4 Avenue. The City shall share 50% of the reasonable costs of said repairs and repaving.
- e.     That the Developer build (replace) the manned guardhouse on NW 207<sup>th</sup> Street. All applicable rules and regulations affecting Special Taxing Districts shall be adhered to in fulfilling this condition.
- f.     That the Developer construct a new guardhouse on NW 204<sup>th</sup> Street after the issuance of the 260<sup>th</sup> building permit. City shall provide an easement or other appropriate instrument for location of said guardhouse. All applicable rules and regulations affecting Special Taxing Districts shall be adhered to in fulfilling this condition.
- g.     That US Highway 441/SR-7 improvements shall be constructed at the

Developer's expense. Specifically, the Developer shall, subject to FDOT approval, add the longer stacking lanes and make improvements to the median of SR - 7 at the intersection of NW 207<sup>th</sup> Street and, if feasible, at NW 204<sup>th</sup> Street. The Developer will not be obligated to make significant modifications to the roadway such as land acquisition or right-of-way acquisition.

- h. That the Developer paint multi-family buildings located on NW 7<sup>th</sup> Avenue and selected homes on NW 207<sup>th</sup> Street. This condition is subject to approval from individual property owners.
- i. That the Developer replace the wall/signage feature at NW 7<sup>th</sup> Avenue and NW 207<sup>th</sup> Street with a new, landscaped feature with wording agreed to by the City and the Andover Civic Association.
- j. Traffic calming features shall be constructed by the Developer, subject to the City's approval, as follows: Roundabouts at the following intersections: NW 207<sup>th</sup> Street and NW 12<sup>th</sup> Avenue, NW 207<sup>th</sup> Street and NW 7<sup>th</sup> Avenue, NW 203<sup>rd</sup> Street and NW 12<sup>th</sup> Avenue, assuming adequate road right-of-way exists to accommodate the new roundabout construction. If one or more intersections do not have sufficient right-of-way to accommodate a roundabout, the Developer shall construct speed bumps or other appropriate intersection and/or traffic calming improvements with appropriate signage at these intersections, subject to the City's approval. Speed bumps or other appropriate traffic calming improvements plus appropriate signage shall also be designed and constructed on NW 203<sup>rd</sup> Street and NW 207<sup>th</sup> Street between NW 7<sup>th</sup> Avenue and NW 15<sup>th</sup> Avenue subject to the City's approval.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON APRIL 6, 2005.

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

  
SHIRLEY GIBSON, MAYOR

Prepared by SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson  
SECONDED BY: Councilman Braynon

**VOTE:** 5-0

Mayor Gibson	<u>    </u> (Yes)	<u>    </u> (No)	Out of town
Vice Mayor Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilman Oscar Braynon, II	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilwoman Audrey J. King	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilwoman Sharon Pritchett	<u>    </u> (Yes)	<u>    </u> (No)	Out of town
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>    </u> (No)	

SKD/bfc

EXHIBIT "A"

CITY OF MIAMI GARDENS HEARING NUMBER: Z-2004-03  
APPLICANT: D.R. HORTON FKA, SPORTACRES DEVELOPMENT GROUP  
PROJECT NAME: COCONUT CAY

**SUBJECT PROPERTY:** The "Sports Acres" subdivision as recorded in Plat Book 156, Page 26 of the Official Records of Miami-Dade County.

1. A non-use variance or alternative site development approval to permit a 10.67' side street setback where 15.00' would be required for Lot 52, Block 7.
2. A non-use variance or alternative site development approval to permit a 10.66' side street setback where 15.00' would be required for Lot 22, Block 4.
3. A non-use variance or alternative site development approval to permit a 10.67' side street setback where 15.00' would be required and a rear setback of 23.81 where 25.00 would be required for Lot 66, Block 7.
4. A non-use variance or alternative site development approval to permit a 10.85' side street setback where 15.00' would be required for Lot 22, Block 7.
5. A non-use variance or alternative site development approval to permit a 10.95' side street setback where 15.00' would be required for Lot 1, Block 8.
6. A non-use variance or alternative site development approval to permit a 11.93' side street setback where 15.00' would be required for Lot 18, Block 7.
7. A non-use variance or alternative site development approval to permit a 11.33' rear setback where 25.00' would be required for Lot 23, Block 2.
8. A non-use variance or alternative site development approval to permit a 10.73' side street setback where 15.00' would be required for Lot 39, Block 2.
9. A non-use variance or alternative site development approval to permit a 11.91' side street setback where 15.00' would be required for Lot 13, Block 7.
10. A non-use variance or alternative site development approval to permit a 10.57' rear setback where 25.00' would be required for Lot 43, Block 4.
11. A non-use variance or alternative site development approval to permit a 22.10' rear setback where 25.00' would be required for Lot 76, Block 1.
12. A non-use variance or alternative site development approval to permit a 10.67' side street setback where 15.00' would be required for Lot 33, Block 4.
13. A non-use variance or alternative site development approval to permit a 11.16' side street setback where 15.00' would be required for Lot 13, Block 5.
14. A non-use variance or alternative site development approval to permit a 20.41' rear setback where 25.00' would be required for Lot 35, Block 4.
15. A non-use variance or alternative site development approval to permit a 11.82' side street setback where 15.00' would be required for Lot 16, Block 8.

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16. A non-use variance or alternative site development approval to permit a 18.55' rear setback where 25.00' would be required for Lot 28, Block 2.
17. A non-use variance or alternative site development approval to permit a 15.56' rear setback where 25.00' would be required for Lot 42, Block 4.
18. A non-use variance or alternative site development approval to permit a 12.24' rear setback where 25.00' would be required for Lot 21, Block 2.
19. A non-use variance or alternative site development approval to permit a 12.77' side street setback where 15.00' would be required for Lot 10, Block 9.
20. A non-use variance or alternative site development approval to permit a 15.13' rear setback where 25.00' would be required for Lot 36, Block 4.
21. A non-use variance or alternative site development approval to permit a 18.94' rear setback where 25.00' would be required for Lot 32, Block 1.
22. A non-use variance or alternative site development approval to permit a 10.73' side street setback where 15.00' would be required for Lot 23, Block 4.
23. A non-use variance or alternative site development approval to permit a 15.16' rear setback where 25.00' would be required for Lot 16, Block 2.
24. A non-use variance or alternative site development approval to permit a 9.84' rear setback where 25.00' would be required for Lot 23, Block 1.
25. A non-use variance or alternative site development approval to permit a 4.59' rear setback where 25.00' would be required for Lot 24, Block 8.
26. A non-use variance or alternative site development approval to permit a 15.76' rear setback where 25.00' would be required for Lot 31, Block 1.
27. A non-use variance or alternative site development approval to permit a 11.49' rear setback where 25.00' would be required for Lot 22, Block 8.
28. A non-use variance or alternative site development approval to permit a 18.63' rear setback where 25.00' would be required for Lot 74, Block 1.
29. A non-use variance or alternative site development approval to permit a 9.96' rear setback where 25.00' would be required for Lot 23, Block 8.
30. A non-use variance or alternative site development approval to permit a 17.79' rear setback where 25.00' would be required for Lot 25, Block 8.
31. A non-use variance or alternative site development approval to permit a 10.55' side street setback where 15.00' would be required for Lot 12, Block 6.
32. A non-use variance or alternative site development approval to permit a 10.42' side street setback where 15.00' would be required for Lot 17, Block 8.
33. A non-use variance or alternative site development approval to permit a 10.67' side street setback where 15.00' would be required for Lot 1, Block 9.

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34. A non-use variance or alternative site development approval to permit a 11.52' side street setback where 15.00' would be required for Lot 11, Block 9.
35. A non-use variance or alternative site development approval to permit a 5.00' side setback where 6.00' would be required for Lot 62, Block 1.
36. A non-use variance or alternative site development approval to permit a 10.67' side street setback where 15.00' would be required for Lot 65, Block 7.
37. A non-use variance or alternative site development approval to permit a 10.21' side street setback where 15.00' would be required for Lot 28, Block 8.
38. A non-use variance or alternative site development approval to permit a 10.67' side street setback where 15.00' would be required for Lot 20, Block 9.
39. A non-use variance or alternative site development approval to permit a 14.54' rear setback where 25.00' would be required for Lot 47, Block 1.
40. A non-use variance or alternative site development approval to permit a 11.67' side street setback where 15.00' would be required for Lot 8, Block 8.
41. A non-use variance or alternative site development approval to permit a 10.22' side street setback where 15.00' would be required for Lot 39, Block 1.
42. A non-use variance or alternative site development approval to permit a 5.35' side setback where 6.50' would be required for Lot 126, Block 1.
43. A non-use variance or alternative site development approval to permit a 12.01' rear setback where 25.00' would be required for Lot 17, Block 2.
44. A non-use variance or alternative site development approval to permit a 10.68' side street setback where 15.00' would be required and a 20.56' rear setback where 25.00' would be required for Lot 1, Block 1.
45. A non-use variance or alternative site development approval to permit a 16.65' rear setback where 25.00' would be required for Lot 22, Block 2.
46. A non-use variance or alternative site development approval to permit a 10.22' side street setback where 15' would be required for Lot 38, Block 1.
47. A non-use variance or alternative site development approval to permit a .69' side setback where 6.6' would be required for Lot 127, Block 1.
48. A non-use variance or alternative site development approval to permit a 20.49' rear setback where 25' would be required for Lot 45, Block 1.
49. A non-use variance or alternative site development approval to permit a 14.54' to 24.97' rear setback where 25' would be required for Lot 46, Block 1.

Revised conditions for Coconut Cay: April 6, 2005

1. That the Developer and the City shall share costs equally (50/50) to repave (overlay) NW 207<sup>th</sup> Street from US 441/SR-7 to the project's main entrance at NW 12<sup>th</sup> Avenue. Curb and gutter shall be added between the guardhouse and NW 7<sup>th</sup> Avenue.
2. That the Developer construct a meandering (subject to adequate right-of-way) and landscaped sidewalk on the south side of NW 207<sup>th</sup> Street between NW 4<sup>th</sup> and NW 7<sup>th</sup> Avenues. The City shall share 50% of the costs of said sidewalk.
3. That the Developer shall upgrade lighting on NW 207<sup>th</sup> Street between NW 4<sup>th</sup> and NW 7<sup>th</sup> Avenues. Said lighting is located within the Andover Street Lighting Special Taxing District (STD). Such lighting improvements are conditioned upon approval by a majority of the property owners within the district and thereafter by the Board of County Commissioners.
4. That the Developer and the City shall share costs equally (50/50) to repair as necessary and repave (overlay) NW 204<sup>th</sup> Street from US Highway 441 to NW 4 Avenue.
5. That the Developer build (replace) the manned guardhouse on NW 207<sup>th</sup> Street. Such improvement is conditioned upon approval by a majority of the property owners within the district and thereafter by the Board of County Commissioners.
6. That the Developer construct a new guardhouse on NW 204<sup>th</sup> Street after the issuance of the 260<sup>th</sup> building permit. City shall provide an easement or other appropriate instrument for location of said guard house. Such improvement is conditioned upon approval by a majority of the property owners within the district and thereafter by the Board of County Commissioners.
7. That US Highway 441/SR-7 improvements shall be constructed at the Developer's expense. Specifically, the Developer shall, subject to FDOT approval, add the longer stacking lanes and make improvements to the median of SR – 7 at the intersection of NW 207<sup>th</sup> Street and, if feasible, at NW 204<sup>th</sup> Street. The Developer will not be obligated to make significant modifications to the roadway such as land acquisition or right-of-way acquisition.
8. That the Developer offer to paint multi-family buildings located on NW 7<sup>th</sup> Avenue and selected homes on NW 207<sup>th</sup> Street. This condition is subject to approval from individual property owners.
9. That the Developer replace the wall/signage feature at NW 7<sup>th</sup> Avenue and NW 207<sup>th</sup> Street with a new, landscaped feature with wording agreed to by the City and the Andover Civic Association.



10. Traffic calming features shall be constructed by the Developer, subject to the City's approval, as follows: Roundabouts with the appropriate signage at the following intersections: NW 207<sup>th</sup> Street and NW 12<sup>th</sup> Avenue, NW 207<sup>th</sup> Street and NW 7<sup>th</sup> Avenue, NW 203<sup>rd</sup> Street and NW 12<sup>th</sup> Avenue, assuming adequate road right of way exists to accommodate the new roundabout construction. If one or more intersections do not have sufficient right of way to accommodate a roundabout, the Developer shall construct speed humps or other appropriate intersection and/or traffic calming improvements with appropriate signage at these intersections, subject to the City's approval. Speed humps or other appropriate traffic calming improvements plus appropriate signage shall also be designed and constructed on NW 203<sup>rd</sup> Street and NW 207<sup>th</sup> Street between NW 7<sup>th</sup> Avenue and NW 15<sup>th</sup> Avenue subject to the City's approval.